



**Proposed Revisions
Circular 4702.1B
Title VI Requirements and
Guidelines for Federal
Transit Administration
Recipients**



Title VI

Prohibits
discrimination on the
basis of race, color, or
national origin in
Federally funded
programs and activities





Why Revise the Circular?

- **Clarity**
- **Accountability**
- **Transparency**
- **Consistency**

To improve compliance with DOT
Title VI regulations



Proposed Overall Changes

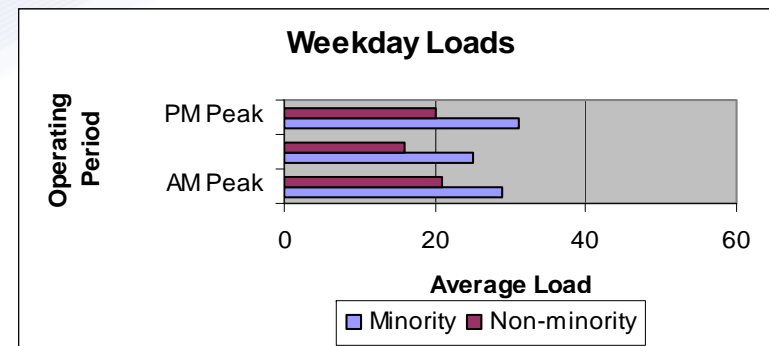
- Provides grantees with clear guidance on the relationship between reporting requirements and DOT's Title VI regulation
- Revised format that clearly describes what grantees must include in their Title VI programs





Proposed Overall Changes

- Adds approximately 40 pages of Appendices to provide examples to grantees.
- Includes graphs, sample forms, and flow charts



Notifying the Public of Rights Under Title VI **THE CITY OF USA**

- The City of USA operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of USA.
- For more information on the City of USA's civil rights program, and the procedure to file a complaint, contact 800-555-1212, (TTY 800-555-1111); email title.vi.complaint@city.ca.us; or visit our administrative office at 1234 Center Street, City of USA, State 11111. For more information, visit www.city.ca.us
- If information is needed in another language, contact 800-555-1212.
 - *MAKE SURE THE SENTENCE ABOVE IS ALSO PROVIDED IN ANY LANGUAGE(S) SPOKEN BY LEP POPULATIONS THAT MEET THE SAFE HARBOR THRESHOLD*



Proposed Definitions

- Restored “primary recipient”
- Use the term “recipient” to include all FTA recipients, including primary recipients, direct recipients, designated recipients and subrecipients
- Define “provider of public transportation” or “transit provider”
- Restore definition of “minority transit route”



General Requirements – Chapter II

Current

- Most recipients required to submit Title VI Program every three years
- MPOs that receive funds directly from FTA report every four years
- No Board of Directors approval requirement

Proposed

- All recipients, including MPOs, required to submit Title VI Program every three years
- Title VI Program must be approved by grantee's Board of Directors or equivalent before it is submitted to FTA



Proposed General Requirements – Chapter III

These apply to all grantees:

- Transit providers
- MPOs
- State DOTs
- Recipients of special funds such as TIGER and Urban Circulator grants
- Subrecipients



General Requirements – Chapter III

Current

- FTA has asked grantees to voluntarily upload their updated Title VI Programs into TEAM 30 days before the existing Program expires

Proposed

- Grantees must upload updated Title VI Programs into TEAM 30 days before the existing Program expires
- Status of grantee's Title VI program noted in TEAM:
 - Approved
 - Conditional approval
 - Pending
 - Expired



General Requirements – Chapter III

Current

- Permits a grantee to submit a statement that it has not altered its language assistance policies, complaint procedures, or public notice instead of sending copies of those documents.

Proposed

- Grantees must submit all documents that comprise a complete Title VI Program, even if the documents have not changed since the last submission.



Proposed Requirements

Eight elements contained in every Title VI Program:

- Notice of Rights under Title VI
- How to File a Complaint
- List of Title VI investigations, complaints or lawsuits
- Public Participation Plan
- LEP Plan
- Racial Breakdown of Non-elected Decision-making Bodies
- Subrecipient Title VI Programs
- Board of Directors resolution or meeting minutes demonstrating the board approved the Title VI Program



Proposed General Requirements – Chapter III

- More guidance is provided in order to assist grantees with compliance.
- LEP section contains a summary of the DOT LEP guidance
- Restoration of advisory body requirement
- Primary recipients must collect Title VI Programs from subrecipients
- Siting of facilities consistent with DOT Title VI regulation replaces EJ analysis of construction projects



Transit Providers – Chapter IV

Current Threshold

Reporting requirements based on whether the transit agency operates in a large UZA (over 200,000 population) and receives section 5307 funds



Proposed Threshold

Reporting requirements based on whether the transit agency's annual operating budget is \$10 million or more



Transit Providers – Chapter IV

- **Proposed Threshold**
 - \$10 million or more annual operating budget
 - From all sources, as reported to NTD
 - Under \$10 million operating but receives \$3 million or more in discretionary capital grant
 - At discretion of FTA,



Proposed Grantee-Specific Requirements Transit Providers

Requirement	Transit Providers with Total Annual Operating Budgets of LESS THAN \$10 Million	Transit Providers with Total Annual Operating Budgets of \$10 Million OR MORE
Set system-wide standards and policies	Required	Required
Collect and report data	Not required	Required: <ul style="list-style-type: none">• Demographic and service profile maps and charts• Survey data regarding customer demographic and travel patterns
Evaluate service and fare equity changes	Not required	Required
Monitor transit service	Not required	Required



Transit Providers – Chapter IV System-wide Standards and Policies

Current

- Recommend reporting on specified policies and standards
- Report on transit security

Proposed

- Require reporting on specified policies and standards
- Remove transit security



Transit Providers – Chapter IV Demographic Data Collection

Current

Option A: service profile maps and charts

Option B: customer surveys that ask about travel time, number of transfers, cost of trip, quality of service

Option C: locally developed alternative

Proposed

Eliminate options.

All transit providers required to report service profile maps and charts; and

Streamlined customer surveys that focus on travel patterns such as trip purpose and frequency of use



Transit Providers – Chapter IV Monitoring Transit Service

Current

Option A: level of
service
methodology

Option B: quality of
service
methodology

Option C: analysis of
customer surveys

Option D: locally
developed
alternative

Proposed

All providers will report
on a modified Option
A – the modification
is a requirement to
report on policies
related to transit
amenities

Providers submit
results of monitoring
to Board before
sending to FTA



Transit Providers – Chapter IV

Service and Fare Equity Analysis

Current

Option A:

- Prepare maps
- Analyze effects of proposed changes
- Assess alternatives
- Describe actions to minimize, mitigate or offset any adverse effects
- Determine if the proposals would have a disproportionately high and adverse effect on minority or low-income populations

Option B: locally developed alternative

Proposed

All providers will:

- Prepare maps
- Analyze effects of proposed changes
- Assess alternatives
- ✓ Describe the major service change policy and how the public was engaged in development of policy
- ✓ Describe datasets used in service change analysis
- ✓ Title VI disparate impact analysis
- EJ disproportionately high and adverse effect analysis



Proposed Grantee-Specific Requirements States

Current

- Planning analysis
“can include”
- EJ focus
- Subrecipient
monitoring

Proposed

- Clearly defines
reporting
requirements
- Removes low-income
from analysis to focus
on Title VI-protected
populations
- Subrecipient
monitoring moved to
Chapter III
- References FTA/FHWA
certification reviews



Proposed Grantee-Specific Requirements MPOs

Current

- Planning analysis “can include”
- Focus on EJ

Proposed

- Clearly defines reporting requirements
- Removes low-income from analysis to focus on Title VI-protected populations
- Reporting requirements based on role of MPO
- References FTA/FHWA certification reviews
- Defines Designated Recipient responsibilities



Compliance and Complaints

- We propose only minor edits to the chapters on Effecting Compliance, Compliance Reviews, and Complaints





Tell Us What You Think!

FTA will be providing a series of webinars and listening sessions on the proposed guidance. If you are able, please participate.

For more information about these opportunities or to submit comments, go to:
www.fta.dot.gov/FTAInformationSessions

Comments on FTA's Proposed Circular 4702.1B are due by December 2, 2011.